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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **STORM THOMAS**

14  
15  
16 Respondent.

Case No. **2013-43**

17 **STATEMENT OF ISSUES**

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about June 27, 2011, the Board of Registered Nursing, Department of  
24 Consumer Affairs received an application for a Registered Nurse License from Storm Thomas  
25 (Respondent). On or about June 21, 2011, Storm Thomas certified under penalty of perjury to the  
26 truthfulness of all statements, answers, and representations in the application. The Board denied  
27 the application on November 22, 2011.

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"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

...

"(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license."

8. California Code of Regulations, title 16, section 1444, states, in pertinent part, that a conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

### **DRUGS**

9. Crack Cocaine – is a highly addictive powerful stimulant that is derived from powdered cocaine using a simple conversion process. Cocaine (Benzoylmethylecgonine) is a crystalline tropane alkaloid obtained from the leaves of a coca plant. It is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(4).

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Crimes)**

3 10. Respondent's application is subject to denial under sections 2736; 480, subdivisions  
4 (a)(1), (2), and (3); and 2761, subdivision (f), in that he was convicted of the following crimes  
5 that are substantially related to the qualifications, functions, and duties of a registered nurse:

6 a. On or about November 17, 1992, in San Francisco County Superior Court, Case No.  
7 01415777, entitled *People v. Storm Thomas*, Respondent was convicted by the court for violating  
8 Penal Code section 647, subdivision (b) (prostitution). Respondent was required to complete a  
9 Diversion Program.

10 b. On or about March 21, 2000, in San Francisco County Superior Court, Case No.  
11 01891449, entitled *People v. Storm Thomas*, Respondent was convicted by the court for violating  
12 Penal Code section 240 (assault). Respondent was sentenced to three years probation and three  
13 days in county jail.

14 The circumstances of the crime are that on or about December 7, 1999, Respondent learned  
15 that his live-in girlfriend wanted to end their relationship. Respondent went to his girlfriend's job  
16 and accused her of seeing another man. An argument ensued and Respondent struck his  
17 girlfriend in the mouth with an open hand, causing her lip to swell and bleed.

18 c. On or about March 28, 2005, in Marin County Superior Court, Case No. SC140630A,  
19 entitled *People v. Storm, Thomas*, Respondent was convicted by the court on his plea of guilty to  
20 violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled  
21 substance (crack cocaine)). Entry of judgment was deferred for 24 months, pending successful  
22 completion of a Diversion Program.

23 The circumstances of the crime are that on March 11, 2005, Respondent was stopped by a  
24 Marin County Sheriff's Deputy, after he made an unsafe lane change. A search of Respondent's  
25 vehicle revealed a glass pipe, small white rocks that tested positive for cocaine, and a white  
26 plastic "poker" (used to push the illegal substance into a pipe). Respondent admitted to the  
27 Deputy that for the past two years he has driven to Marin City, California to purchase marijuana.  
28 Respondent also admitted to the Deputy that he has used cocaine.

1                                   **SECOND CAUSE FOR DENIAL OF APPLICATION**

2                                   **(Unprofessional Conduct/Possess Controlled Substance)**

3           11. Respondent's application is subject to denial under section 2761, subdivision (a), on  
4 the grounds of unprofessional conduct in conjunction with section 2762, subdivision (a), in that  
5 Respondent was convicted of a crime involving the possession of a controlled substance (crack  
6 cocaine) as set forth in paragraph 10, subparagraph (c), above.

7                                   **THIRD CAUSE FOR DENIAL OF APPLICATION**

8                                   **(Unprofessional Conduct)**

9           12. Respondent's application is subject to denial under section 2761, subdivision (a), on  
10 the grounds of unprofessional conduct, in that on or about December 7, 1999, after Respondent  
11 learned that his live-in girlfriend wanted to end their relationship, he went to his girlfriend's job  
12 and struck her in the mouth with an open hand. San Francisco Police Department Officer Lee  
13 placed Respondent under arrest for inflicting corporal injury on a co-habitee.

14                                  **FOURTH CAUSE FOR DENIAL OF APPLICATION**

15                                  **(Committed Acts Which if Done by a Licentiate)**

16           13. Respondent's application is subject to denial under sections 2736, subdivision (a)(3)  
17 and 480, subdivision (a)(3), in that Respondent committed acts which if done by a licentiate of  
18 the profession would constitute grounds for discipline as set forth in paragraph 10 above. This  
19 conduct would constitute grounds for discipline under Code section 2761, subdivision (a)  
20 (unprofessional conduct) in conjunction with sections 2761, subdivision (f) (conviction of a  
21 substantially related offense), and 2762, subdivision (a) (conviction of a crime involving  
22 possession of a controlled substance

23                                  **FIFTH CAUSE FOR DENIAL OF APPLICATION**

24                                  **(Dishonesty)**

25           14. Respondent's application is subject to denial under sections 2736 and 480,  
26 subdivision (c), in that he knowingly made a false statement of fact required to be revealed in the  
27 application for licensure, by failing to report that he had been convicted of the crimes set forth in  
28 paragraph 10, above.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Storm Thomas for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED:

July 13, 2012

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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